

To Members of the California State Senate:

I am signing Senate Bill 45: 1) to address constitutional issues so that the Legislature can pass a new act, with urgency, in 2008 and, 2) to allow legal actions filed prior to July 1, 2007 to still have standing in the courts. When I signed Assembly Bill 1525 earlier this year, it was with the understanding that the Legislature would pass legislation in 2007 that would reform the broken and abysmal set of laws that governed this program. Unfortunately, the Legislature was unable to come to a consensus to do so.

In January of this year, my Administration and Senator Perata's staff agreed to work cooperatively on a new reform act that would be carried in Senate Bill 823. My Administration participated in countless meetings to help craft an acceptable measure and provided comprehensive amendments--most were not accepted. Unfortunately, it became clear during that time that any attempt to build upon a broken body of law would, in fact, result in a more cumbersome and unacceptable proposal.

Consequently, my Administration proposed a new statutory foundation that is now contained in Assembly Bill 1182 so that the Department of Consumer Affairs can confidently administer the private postsecondary program with success and effectiveness. Assembly Bill 1182 used the Oregon and Florida statutes, both nationally recognized programs, as a framework for the new Act-- not the former California Act that had so many problems. Both Florida and Oregon's programs are well respected and have often been cited as national models for private postsecondary oversight programs. I remain hopeful that this becomes the framework that the Legislature will use to work with the Administration to craft an acceptable new Act.

I have previously indicated that a reform act must:

- provide Californians with educational and vocational options in the private sector;
- protect students from illegal, unscrupulous or unethical practices;
- encourage students to make informed decisions; and
- provide a streamlined approval process for schools.

A new Act must be easily read and understood by the schools, so that they are clear about their obligations; by students, so that they know their rights; and by regulators, so they can effectively enforce the law. It should not be an act drafted so that attorneys can prosper under the guise of being student advocates. Therefore, I want to be very clear that I will not sign a bill that simply

builds upon the problems of the former private postsecondary act. The problems that plagued the old act and, consequently the administration of the program, have been well documented and should be rethought or eliminated.

I truly believe that private postsecondary education provides valuable options to California's students and will only help strengthen our economy with a well trained and educated workforce. I remain hopeful that everyone involved will continue to work diligently to ensure that our goals are met and that a new California Private Postsecondary Act will be passed in early 2008.

Sincerely,

Arnold Schwarzenegger